

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

CRAIG CUNNINGHAM, Pro-se

Plaintiff

v.

Auto Discount Services, ID Watch Guard LLC

Defendants.

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CIVIL ACTION NO: 3:14-cv-01764

Plaintiff's Amended Verified complaint

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Davidson County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, ID Watch Guard, Inc is a Florida Corporation with a registered agent Thomas Meehan, operating from 140 Island Way, ste 221 Clearwater, FL 33767.
3. Upon information and belief, Auto Discount Services is a Florida corporation operating from 140 Island Way, ste 221, Clearwater, FL 33767. The registered agent is Thomas Meehan with the same address.
4. Upon information and belief, Thomas Meehan is the officer and director for Auto discount services Inc. and ID watchguard Inc and is directly responsible for the offending phone calls or benefits from the illegal phone calls to the Plaintiff. He can be served at 140 Island Way, ste 221 Clearwater, FL 33767.

Jurisdiction

5. Jurisdiction of this court arises as the acts happened in this county.
6. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

7. In 2014, the Plaintiff received multiple automated phone calls with a pre-recorded message to the Plaintiff's cell phone which informed the Plaintiff to that the Plaintiff could get a free gift card and other promotional gifts for trying out a roadside assistance service and another series of calls pitched an ID watch guard service for identity theft protection. The website for Auto service is www.autodiscountservice.com and the Identity theft protection site is www.myidwatchguard.com.
8. The Plaintiff has never consented to these automated calls with pre-recorded messages to his cell phone, the pre-recorded messages did not identify the entity responsible for making the calls and did not list the name, address, or phone number of the entity making the calls. The calls were also not related to any emergency purpose.
9. Upon further investigation, Auto Discount Service Inc and My ID Watch Guard Inc were discovered to be representative legal entities for each product and both listed Thomas Meehan as the registered agent and manager/director. Apparently there are a host of similar sites pitching such products to consumers.
10. As these calls were made on behalf and for the benefit of , Thomas Meehan, both

the entity placing the illegal calls and Thomas Meehan are liable for the TCPA violations. The corporations are liable under the broad principles of agency, to include apparent authority, formal authority, and ratification. Thomas Meehan is directly responsible as the apparently only managing person responsible for the actions of the corporations he directs/manages. Liability extends directly to the corporations and corporate actors as well per the statute.

11. These phone calls violated the TCPA in two ways, first by having a pre-recorded message, and second by the automated nature of them. Additionally, the calls violated the TCPA as the pre-recorded messages didn't contain the required identification info stipulated in the TCPA, to include the name, address, and phone number of the entity for which the calls are being placed.
12. All of the parties are jointly, severally, and individually to the Plaintiff for the statutory and punitive damages requested.

CAUSES OF ACTION:

COUNT I

Violations of the Telephone Consumer Protection Act (TCPA)

13. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
14. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone. These phone calls also violated the TCPA by having an pre-recorded

message that failed to contain the name, address, and phone number for the entity for which the calls are being place as required under the TCPA.

COUNT II

Violations of the Telephone Consumer Protection Act (TCPA)

15. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
16. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls with pre-recorded messages to the Plaintiff's Cell phone.

PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants
- B. Statutory damages of \$3000 for each phone call.
- C. Pre-judgment interest from the date of the phone calls.
- D. Punitive damages for all claims in the amount of \$75,000
- E. Attorney's fees for bringing this action; and
- F. Costs of bringing this action; and
- G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and

belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,



Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

828-291-7465

October 3rd, 2014